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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

_____)	
)	
)	Case No. 2:13-cv-00433-LDG-(CWH)
)	Base File
)	
In re: SPECTRUM PHARMACEUTICALS,)	STIPULATION AND
INC., SECURITIES LITIGATION)	ORDER FOR STAY
)	
)	
)	
_____)	

Lead Plaintiff Arkansas Teacher Retirement System (“Plaintiff”) and Defendants Spectrum Pharmaceuticals, Inc., Rajesh C. Shrotriya, Brett L. Scott, and Joseph Kenneth Keller (collectively, the “Defendants”) respectfully submit this stipulation and proposed order to stay all proceedings in the above-captioned action (the “Action”) pending the outcome of a mediation between the parties scheduled for August 10, 2015, and state as follows:

WHEREAS, on March 26, 2015, the Court denied Defendants’ motion to dismiss (Dkt. #108) the Consolidated Amended Class Action Complaint (the “Complaint,” Dkt. #105) in its entirety. Dkt. #117 (the “Dismissal Order”);

WHEREAS, on May 11, 2015, the Court denied Defendants’ motion for reconsideration of the Dismissal Order (Dkt. #118) and granted Defendants’ motion to extend time to answer the Complaint (Dkt. #119) by May 26, 2015. Dkt. #124;

WHEREAS, on May 26, 2015, Defendants filed their answer to the Complaint. Dkt. #125;

WHEREAS, pursuant to Local Rule 26-1(d), counsel for Plaintiff has thirty days from the date Defendants filed their answer, or until June 25, 2015, to initiate the scheduling of the Federal Rule of Civil Procedure (“Rule”) 26(f) conference and, 14 days thereafter, to file a Rule 26(f) discovery report;

WHEREAS, in an attempt to resolve the Action the parties have agreed to attend a mediation on August 10, 2015, to be preceded by an expedited, targeted document production subject to the entry of the concurrently filed stipulated protective order;

WHEREAS, the Court has the inherent power to stay proceedings. *See Landis v. N.A. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy

of time and effort for itself, for counsel, and for litigants”); *see also Tobler v. DePuy Orthopaedics, Inc.*, 2012 WL 3598291, at *1 (D. Nev. 2012) (George, J.) (“[a] district court has discretionary power to stay proceedings in its own court”) (citing *Landis*, 299 U.S. at 254-255);

WHEREAS, a brief stay pending mediation would allow the parties to focus on preparing for and conducting mediation while avoiding the expenditure of resources on potentially unnecessary formal discovery and motion practice;

WHEREAS, Defendants intend to seek interlocutory certification of the Dismissal Order under 28 U.S.C. § 1292(b), and the parties have agreed that, to conserve the resources of the parties and the Court, Defendants will not file their request for certification until the Court either (i) denies to enter this stipulation and order or (ii) enters an order lifting the requested stay;

WHEREAS, the requested stay will not unduly delay the Action because the Court has not yet entered a scheduling order, and no trial dates are scheduled;

WHEREAS, the parties will update the Court on the outcome of the mediation within two (2) weeks of the mediation date;

IT IS HEREBY STIPULATED and agreed by the parties, by and through their counsel of record, that:

1. All proceedings in the Action, including the scheduling of a Rule 26(f) conference, shall be stayed until the Court enters an order lifting the stay.

2. Defendants’ time to file the request for interlocutory certification of the Dismissal Order under 28 U.S.C. § 1292(b) shall be tolled from the date of this stipulation until either (i) the Court’s denial of this stipulation and proposed order, or (ii) the Court’s entry of an order lifting the stay, and at that time both parties will retain any and all arguments that existed as of the date of this stipulation.

Dated: June 4, 2015

Respectfully submitted,

LABATON SUCHAROW LLP

By: /s/ Jonathan Gardner

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KELLER, and BRETT L. SCOTT*

ORDER

IT IS SO ORDERED



Hon. Lloyd D. George
United States District Judge

Dated: June 15, 2015